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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :

Richard LEPAGE *et al.*

Serial No.: 09/769,736

Filed: January 26, 2001

Examiner: To be Assigned

Group Art Unit: 1645

For: Nucleic Acids and Proteins from Group B Streptococcus

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

Washington, D.C. 20231

**PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115 AND RESPONSE TO
NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Sir,

Please consider the following:

Remarks

Claims 1-23 are currently pending in this application.

Response to Notice to Comply

In response to the attached U.S. Patent and Trademark Office (PTO) Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed November 14, 2002 (a copy of which is returned herewith), and in accordance with the provisions of 37 C.F.R. §§ 1.821-1.825, Applicants submit herewith a substitute "Sequence Listing" in both paper copy (117 pages) and computer readable form.

Applicants submit herewith a computer readable copy of the substitute "Sequence Listing" on a 3½ inch diskette, in ASCII format as required by 37 C.F.R. § 1.821(e). In

accordance with the provisions of 37 C.F.R. § 1.821(f), the undersigned hereby states that the content of the computer readable disk copy of the substitute "Sequence Listing" and the paper copy of the "Sequence Listing" submitted herewith are the same.

Support for the substitute Sequence Listing can be found in the specification as originally filed, for example, on page 23, lines 20 and 23, in Appendix I, in Appendix III, and Figures 1, 2 and 3.

Applicants wish to draw the Examiner's attention to SEQ ID NO:56, which is a protein sequence encoded by the nucleotide sequence of SEQ ID NO:55. SEQ ID NOs: 55 and 56 should be represented as originally filed in Figure 1 by "ID-30, Clone 38". However, an obviously incorrect protein sequence, not encoded by the nucleotide sequence of SEQ ID NO:55, was presented in Figure 1, ID-30, Clone 38. The correct protein sequence encoded by SEQ ID NO:55 is presented in the instant substitute Sequence Listing as SEQ ID NO:56. In addition, correction of ID-30, Clone 38 in Figure 1 has been requested below. As originally filed, the specification contemplates "a number of full length nucleotide sequences encoding antigenic *Group B Streptococcus* proteins" as well as the "corresponding amino acid sequences" as set forth in Figure 1. See Specification, page 14, lines 1-2. Thus, the protein sequence presented in SEQ ID NO:56 of the substitute Sequence Listing is a protein sequence encoded by the full length nucleotide sequence of SEQ ID NO:55, and does not constitute new matter. Accordingly, Applicants assert that no new matter is introduced by way of the submission.

The undersigned certifies his belief that the Sequence Listing information recorded in computer readable form (CRF) is identical to the written (on compact disc) Sequence Listing submitted herewith.

Amendments

Please amend the Application as follows:

Drawings

Applicants submit herewith proposed amendments to Figures 1, 2, and 3 under 37 C.F.R. § 1.121. The proposed amendments to the figures are presented in red ink on a separate sheet for each respective figure, for approval by the Examiner.